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13 RIMINI STREET, INC. and SETH RAVIN

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15
16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA

18 ORACLE USA, INC., a Colorado corporation;) Case No. 2:10-cv-0106-LRH-PAL
19 ORACLE AMERICA, INC., a Delaware)
corporation; and ORACLE INTERNATIONAL)
20 CORPORATION, a California corporation,)
Plaintiffs,)
vs.)
21 RIMINI STREET, INC., a Nevada corporation;)
SETH RAVIN, an individual,)
22 Defendants.)
23)

**RIMINI STREET'S MOTION TO SEAL
PORTIONS OF ITS OPPOSITION TO
ORACLE'S SECOND MOTION FOR
PARTIAL SUMMARY JUDGMENT AND
CERTAIN SUPPORTING DOCUMENTS**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents entered
 2 by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal
 3 Rules of Civil Procedure, Defendant Rimini Street Inc. (“Rimini”) respectfully requests that the
 4 Court order the Clerk of the Court to file under seal certain portions of Rimini’s Opposition to
 5 Oracle’s Second Motion for Partial Summary Judgment and supporting documents. These portions
 6 of Rimini’s Opposition reflect information that Plaintiffs Oracle USA, Inc., Oracle America, Inc.,
 7 and Oracle International Corp. (collectively, “Oracle”) and Rimini have designated “Confidential” or
 8 “Highly Confidential—Attorneys’ Eyes Only” under the Protective Order.

9 The Protective Order states, “Counsel for any Designating Party may designate any
 10 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’
 11 Eyes Only’ under the terms of this Protective Order only if such counsel in good faith believes that
 12 such Discovery Material contains such information and is subject to protection under Federal Rule of
 13 Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as
 14 ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ shall
 15 constitute a representation that an attorney for the Designating Party reasonably believes there is a
 16 valid basis for such designation.” Protective Order ¶ 2.

17 **I. CONFIDENTIAL MATERIAL DESIGNATED BY RIMINI.**

18 Rimini has designated Exhibits 5–6, 8–9 and 12–13 as Confidential or Highly Confidential—
 19 Attorneys’ Eyes Only.¹ Rimini requests that the Court order the Clerk of the Court to file those
 20 exhibits under seal, as well as certain portions of Rimini’s Opposition to Oracle’s Motion for Partial
 21 Summary Judgment, and Rimini’s Statement of Facts in Support of its Opposition to Oracle’s
 22 Second Motion for Partial Summary Judgment, each of which reflect confidential information
 23 contained in those exhibits. Unredacted versions of these documents were individually lodged under
 24 seal with the Court on October 9, 2012.

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26 ¹ All Exhibits referred to in this motion are attached to the Appendix of Exhibits Cited in Support of
 27 Rimini’s Opposition to Oracle’s Second Motion for Partial Summary Judgment.

1 Documents may not be sealed in connection with a dispositive motion absent a “compelling
 2 reason.” *Selling Source, LLC v. Red River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338,
 3 at *4 (D. Nev. Apr. 29, 2011) (citing *Pintos v. Pac. Creditors Ass’n*, 565 F.3d 1106, 1115 n. 4 (9th
 4 Cir. 2009)). Exhibits 5–6, 8–9 and 12–13 are excerpts from depositions and related exhibits that
 5 have been designated as “Highly Confidential,” which reflects, in Rimini’s best judgment, that the
 6 testimony and documents contain “extremely sensitive, highly confidential, non-public information,
 7 consisting either of trade secrets or other highly confidential documents related to current or future
 8 business plans, protocols or strategies, the disclosure of which . . . would be likely to cause
 9 competitive or business injury to the Designating Parties (other than injury to Designating Parties
 10 position in this Action).” Protective Order ¶ 4. In particular, the deposition testimony and exhibits
 11 contain confidential information regarding Rimini’s proprietary business practices and procedures.
 12 Rimini has made a significant investment in its confidential proprietary business practices and
 13 procedure, and disclosure of the testimony and documents could reduce the value of Rimini’s
 14 investments. Thus, there is a compelling interest for those documents to be sealed. *Selling Source*,
 15 2011 WL 1630338 at *6 (“Where the material includes information about . . . agreements with
 16 clients, there are compelling reasons to seal the material because possible infringement of trade
 17 secrets outweighs the general public interest in understanding the judicial process.”).

18 **II. CONFIDENTIAL MATERIAL DESIGNATED BY ORACLE**

19 Oracle has designated the following documents cited or referred to in Rimini’s Opposition as
 20 Confidential or Highly Confidential—Attorneys’ Eyes Only:

21 Ex.	22 Description
23 1.	24 ORCLRS1313013-46 (Oracle Database 25 Software License Agreement)
26 2.	27 ORCLRS1313047-75 (Oracle Database 28 Software License Agreement)
3.	ORCLRS1312961-87 (Oracle Database Software License Agreement)
4.	ORCLRS1312992-1313000 (Oracle Database Software License Agreement)

10.	ORCLRS0291237-38 (Internal Oracle email)
11.	Expert Report of Randall Davis, amended on May 28, 2012
15.	Plaintiff Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation's [Corrected] Supplemental and Amended Responses to Defendant Rimini Street Inc.'s First Set of Interrogatories (No. 1-12)

7 Rimini submits these documents under seal pursuant to the Protective Order based on
8 Oracle's representations that there is a valid basis under the Protective Order for the confidentiality
9 designations.

10 Rimini has submitted all other exhibits to the Appendix to the Court's public files, which
11 would allow public access to all exhibits except for the items listed above. Accordingly, the request
12 to seal is narrowly tailored. For the foregoing reasons, Rimini respectfully requests that the Court
13 find there is a compelling interest in filing the documents discussed above under seal.

14
15 DATED: October 9, 2012

SHOOK HARDY & BACON LLP

16 */s/ Robert H. Reckers*
17 Robert H. Reckers, Esq.

18 Attorneys for Defendants
19 Rimini Street Inc. and Seth Ravin

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

By: /s/ Robert H. Reckers